

[Received via e-mail 4:58 pm PDT, September 10, 2010.]

Dear Ms. Bakeman,

Puget Sound Energy, Inc. (PSE) respectfully submits the following comments for consideration by Ecology on the draft Construction Stormwater General NPDES permit (CGP). Our primary concerns have to do with utility relocation work necessary to accommodate road projects managed by city, county or DOT agencies (includes surface streets, highways, bridges, sewer mains, etc.; commonly referred to as Public Improvement (PI) projects).

Most PI projects meet the threshold requiring coverage under the CGP, and they commonly require relocation of existing utilities to accommodate the road or other similar types of construction. The utility work can be above ground, under ground, or some combination thereof. For PSE, this can require replacement of underground natural gas mains, electrical distribution or transmission lines, and other appurtenant facilities such as vaults and conduits within or adjacent to the overall footprint of the PI project. Frequently, the utility work is within the area of CGP coverage for the PI project and disturbs a total area that is much smaller than the PI project and typically smaller than the 1-acre threshold that triggers this CGP. Additionally, the utility relocation work typically occurs during course of the PI project construction and within existing TESC measures established by the agency and its contractor. Under current regulations, if the utility work is located outside the area of the PI project and is classified as part of the road project's "common plan of development," then even disturbing an area as small as 25 square feet could require coverage under the CGP. PSE believes that separate and independent coverage in this situation redundant and ineffective and could be adequately addressed at this time.

Also, on occasion, the need for PSE to relocate existing utilities comes to our attention with only days or weeks of notice from the PI project proponent. In this case, we are typically obligated to relocate our facilities per the conditions of a franchise agreement and may be subject to project delay claims if we do not meet the overall construction schedule. Therefore, the sixty plus days required to perform public noticing and obtain coverage under the CGP can create an unintentional hardship and be difficult to comply with.

PRIMARY REQUEST: PI projects should be responsible to plan for and obtain CGP coverage for utility relocation work that is a necessary part of the overall project. This is consistent with the implementation of SEPA, where environmental review includes evaluation and consideration of impacts to all associated aspects the proposed action, , including utilities.

PSE understands that utility work outside of the PI project area of disturbance may or may not be part of a "common plan of development" for the purpose of triggering this CGP. However in those circumstances where additional utility work occurs outside of the coverage area, but is directly related to the PI project, an abridged and expedited process for obtaining coverage is warranted. This will help reduce project delays and disruption to the traveling public, and reduce project and Ecology costs associated with review processes.

SECONDARY REQUESTS:

- It would be beneficial to have a shorter notification period for projects that are accessory to a larger project that will or already has received coverage under the CGP.
- Finally, consistent with federal Clean Water Act implementing language, the signature of a Project Manager or Construction Manager (as duly authorized representatives of the company) should be acceptable on the NOI, DMR and other forms required by the CGP. These individuals have direct control of the budget and are specifically responsible for daily construction activities. As a result they have a more tactical ability to ensure regulatory compliance than an officer of any medium to large sized firm.

Thank you for the opportunity to comment and for giving this letter consideration. Please do not hesitate to contact me at (425) 456-2550 or andy.padvorac@pse.com with any questions about this matter.

Sincerely,

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